

BORA LASKIN LAW LIBRARY



3 1761 06104582 9



UNIVERSITY OF TORONTO
FACULTY OF LAW

ABORIGINAL PEOPLES AND CANADIAN LAW

LAW 370H1S

WINTER TERM, 2011

VOLUME TWO

Kerry Wilkins

ABORIGINAL PEOPLES AND CANADIAN LAW

LAW 370H1S

WINTER TERM, 2011

VOLUME TWO

Kerry Wilkins



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

ABORIGINAL PEOPLES AND CANADIAN LAW
LAW 370H1S
TABLE OF CONTENTS, 2010-11
VOLUME 2

PAGE

265	<i>Sawridge Band v. Canada</i> , [1996] 1 F.C. 3 [excerpts]
266	<i>R. v. Sparrow</i> , [1990] 1 S.C.R. 1075 [excerpts]
278	<i>R. v. Van der Peet</i> , [1996] 2 S.C.R. 507 [excerpts]
290	<i>(Grand Chief Mike) Mitchell v. Canada (Minister of National Revenue)</i> , [2001] 1 S.C.R. 911, 2001 SCC 33 [excerpts]
300	<i>R. v. Adams</i> , [1996] 3 S.C.R. 101 [excerpts]
306	<i>R. v. Côté</i> , [1996] 3 S.C.R. 139 [excerpts]
308	<i>R. v. Sappier; R. v. Gray</i> , [2006] 2 S.C.R. 686, 2006 SCC 54 [excerpts]
315	<i>R. v. Powley</i> , [2003] 2 S.C.R. 207 [excerpt]
324	Russel Lawrence Barsh & James Youngblood Henderson, "The Supreme Court's Van der Peet Trilogy: Naïve Imperialism and Ropes of Sand" (1997) 42 McGill L.J. 993 [excerpts; notes omitted]
331	<i>Delgamuukw v. B.C.</i> , [1997] 3 S.C.R. 1010 [excerpt]
334	<i>R. v. Horseman</i> , [1990] 1 S.C.R. 901 [excerpts]
339	<i>R. v. Gladstone</i> , [1996] 2 S.C.R. 723 [excerpts]
343	<i>R. v. Alphonse</i> , [1993] 5 W.W.R. 401 (B.C.C.A.) [excerpts]
348	<i>Mabo v. Queensland (No. 2)</i> (1992), 175 C.L.R. 1 (H.C. Australia) [excerpts]
351	<i>Delgamuukw v. B.C.</i> , [1997] 3 S.C.R. 1010 [excerpts]
363	<i>R. v. (Stephen) Marshall; R. v. Bernard</i> , [2005] 2 S.C.R. 220, 2005 SCC 43 [excerpts]
368	<i>Chippewas of Sarnia Band v. Canada (A.G.)</i> (2000), 51 O.R. (3d) 641 (C.A.) [excerpts]
385	Canada, Report of the Royal Commission on Aboriginal Peoples (1996), vol. 1, 173-176
387	Alexander Morris, <i>The Treaties of Canada with the Indians of Manitoba and the Northwest Territories</i> (Toronto: Belfords, Clarke & Co., 1880) [excerpts]
393	Treaty No. 3 Between Her Majesty the Queen and the Saulteaux Tribe of the Ojibbeway [sic] Indians at the Northwest Angle on the Lake of the Woods (1873) [excerpts]
396	<i>R. v. Simon</i> , [1985] 2 S.C.R. 387 [excerpts]
405	<i>R. v. Sioui</i> , [1990] 1 S.C.R. 1025 [excerpts]
422	<i>Campbell v. B.C. (A.G.)</i> (2000), 189 D.L.R. (4 th) 333 (B.C.S.C.) [excerpts]
437	<i>R. v. Howard</i> , [1994] 2 S.C.R. 299 [excerpts]

PAGE

440	<i>R. v. (Donald) Marshall</i> , [1999] 3 S.C.R. 456 [excerpts]
449	<i>R. v. Badger</i> , [1996] 1 S.C.R. 771 [excerpts]
458	<i>R. v. (Donald) Marshall</i> (rehearing application), [1999] 3 S.C.R. 533 [excerpts]
459	W.I.C. Binnie, "The Sparrow Doctrine: Beginning of the End or End of the Beginning?" (1990) 15 Queen's L.J. 217 [excerpts]
465	<i>R. v. Nikal</i> , [1996] 1 S.C.R. 1013 [excerpts]
467	<i>R. v. Gladstone</i> , [1996] 2 S.C.R. 723 [excerpts]
473	<i>Delgamuukw v. British Columbia</i> , [1997] 3 S.C.R. 1010 [excerpts]
477	<i>Haida Nation v. B.C. (Minister of Forests)</i> , [2004] 3 S.C.R. 511, 2004 SCC 73 [excerpts]
487	<i>Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)</i> , [2005] 3 S.C.R. 388, 2005 SCC 69 [excerpts]
495	<i>R. v. Lefthand</i> , [2007] 10 W.W.R. 1, 2007 ABCA 206 [excerpts]
498	<i>Rio Tinto Alcan Inc. v. Carrier Sekani Tribal Council</i> , 2010 SCC 43 [excerpts]
505	<i>Corbiere v. Canada (Minister of Indian and Northern Affairs)</i> , [1999] 2 S.C.R. 203 [excerpts]
514	Draft Legal Text, Charlottetown Accord, October 9, 1992 [excerpts]
521	<i>Logan v. Styres</i> (1959), 20 D.L.R. (2d) 416 (Ont. H.C.J.)
526	<i>Delgamuukw v. B.C.</i> , [1993] 5 W.W.R. 97 (B.C.C.A.) [excerpts]
530	Kenneth J. Tyler, "Another Opinion: A Critique of the Paper Presented by the Royal Commission on Aboriginal Peoples Entitled: 'Partners in Confederation'" in <i>The Inherent Right of Self-Government</i> , Continuing Legal Education Program, Canadian Bar Association (Toronto, 1994) [excerpts]
547	Roger Gibbins, "Citizenship, Political, and Intergovernmental Problems with Indian Self-Government" in J. Rick Ponting, ed., <i>Arduous Journey: Canadian Indians and Decolonization</i> (Toronto: McClelland & Stewart, 1986) 369-377
552	Patrick Macklem, "First Nations Self-Government and the Borders of the Canadian Legal Imagination" (1991) 36 McGill L.J. 382 [excerpts]
555	Catherine Bell & Michael Asch, "Challenging Assumptions: The Impact of Precedent in Aboriginal Rights Litigation" in Michael Asch, ed., <i>Aboriginal and Treaty Rights in Canada: Essays on Law, Equity and Respect for Difference</i> (Vancouver: UBC Press, 1997) [excerpts]
561	Canada, Report of the Royal Commission on Aboriginal Peoples, vol. 2 (Ottawa: Minister of Supply and Services, 1996) [excerpts]
579	<i>Casimel v. Insurance Corp. of British Columbia (B.C.C.A.)</i> (1993), 106 D.L.R. (4th) 720 (B.C.C.A.) [excerpt]
581	<i>R. v. Pamajewon</i> , [1996] 2 S.C.R. 821 [excerpts]
583	<i>Delgamuukw v. B.C.</i> , [1997] 3 S.C.R. 1010 [excerpts]
584	<i>Talton v. Mayes</i> , 163 U.S. 376 (1896) [excerpts]

PAGE

- 585 *Santa Clara Pueblo v. Martinez*, 463 U.S. 49, 98 S.Ct. 1670 (1978)
[excerpts]
- 592 Kent McNeil, "Aboriginal Governments and the *Canadian Charter of Rights and Freedoms*" (1996) 34 Osgoode Hall L.J. 61 [excerpts]
- 602 Menno Boldt & J. Anthony Long, "Tribal Philosophies and the Canadian Charter of Rights and Freedoms" in Menno Boldt & J. Anthony Long, eds., *The Quest for Justice: Aboriginal Peoples and Aboriginal Rights* (Toronto: U of T Press, 1985) 165-179
- 612 *R. v. Kapp*, [2008] 2 S.C.R. 483, 2008 SCC 41 [excerpts]

